



Legislation Details (With Text)

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File created: 12/14/2023 **In control:** Special Committee for Legal Review

On agenda: 12/19/2023 **Final action:**

Title: Sponsor: Mayor Quinton Lucas

Repealing Ordinance No. 231011 and directing the City Manager, in the event of the developer’s failure to perform its contractual obligations, to terminate the 63rd and Prospect development contract and issue a request for proposals for the 63rd and Prospect development area.

Sponsors: Quinton Lucas

Indexes:

Code sections:

Attachments: 1. No Docket Memo 231053

Date	Ver.	Action By	Action	Result
12/14/2023	1	Council	referred	

ORDINANCE NO. 231053

Sponsor: Mayor Quinton Lucas

Repealing Ordinance No. 231011 and directing the City Manager, in the event of the developer’s failure to perform its contractual obligations, to terminate the 63rd and Prospect development contract and issue a request for proposals for the 63rd and Prospect development area.

WHEREAS, the City previously requested proposals for construction of high quality retail and residential uses within the City’s 63rd and Prospect development area and selected UrbanAmerica, LLC as the developer of the area; and

WHEREAS, in Committee Substitute for Resolution No. 180628, the Council directed the City Manager to enter into negotiations with UrbanAmerica, LLC for a phased sale and development of property at 63rd and Prospect (the “Property”); and

WHEREAS, in Committee Substitute for Ordinance No. 210566, the Council authorized the City Manager to execute a development agreement with the Tax Increment Financing Commission of Kansas City and UA KC Southpointe, LLC for the Property; and

WHEREAS, such Development Agreement was executed on February 4, 2022 (the “Agreement”), and a First Amendment thereto was executed on July 31, 2023; and

WHEREAS, Ordinance No. 231011 directed the City Manager to execute a Second Amendment to the Development Agreement; and

WHEREAS, concerns exist about whether all parties will be able to perform all obligations under the

agreement; and

WHEREAS, the 63rd and Prospect site represents an important opportunity for new development for the Fifth City Council District and for Kansas City as a whole; and

WHEREAS, the City Council remains committed to redevelopment of 63rd and Prospect as a successful commercial and residential destination, and supports a private/public partnership effort through use of development incentives and other financing tools; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Ordinance No. 231011 is hereby repealed.

Section 2. That the City Manager is hereby directed to renegotiate the Second Amendment to the Development Agreement to include a shortened cure period and stronger accountability provisions to achieve redevelopment goals for 63rd and Prospect.

Section 3. That, in the event that UA KC Southpointe, LLC, its successors or assigns, fails to fully perform any of its obligations under the Agreement, the City Manager is hereby directed to immediately terminate the Agreement in accordance with the terms thereof and issue a new Request for Proposals for construction of high quality retail and/or residential uses within the City's 63rd and Prospect development area.

Approved as to form:

Abigail Judah
Assistant City Attorney